

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2455 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the Civil Judge? : NO

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GUJARAT UNIVERSITY

Versus

I D ADVANI

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Appearance:

MR SN SHELAT for Petitioner

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CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 20/04/2000

ORAL JUDGEMENT

Heard Mr. Mazgaonkar for Mr. S.N. Shelat, learned counsel for the petitioner. None appears for the respondents.

Learned counsel for the petitioner submitted that

the petitioner Gujarat University formulated certain guidelines prescribing qualifications for selection of Lecturer in Pharmacy. It is further submitted that the respondent no.1 was appointed as lecturer in the Institute of Pharmacy, Adipur. Petitioner Gujarat University did not approve the said appointment in view of the fact that the respondent no.1 did not possess requisite qualification, that is M. Pharm for the post of Lecturer. Learned counsel further submitted that, since the Gujarat University did not approve the appointment of the respondent no.1 in the post of lecturer, the respondent no.1 filed an application before the Gujarat Affiliated Colleges Services Tribunal, and the Tribunal passed interim order, directing the University to allow the respondent no.1 to continue in the post of lecturer. Accordingly, in pursuance of the interim order passed by the Tribunal, the respondent no.1 was continuing in the post.

Gujarat University filed the present writ petition challenging the interim order passed by the Tribunal. Learned counsel submitted that, in the meantime the main application might have been disposed of by the Tribunal, and the fate of the respondent no.1 must have been decided by the Tribunal in the main application. Therefore learned counsel submitted that, since no stay has been obtained against the interim order of the Tribunal, this petition has become infructuous. The respondent No.1's fate will be decided by the Tribunal, and if necessary the petitioner-University may challenge the final order of the Tribunal in appropriate forum.

Since the present petition has become infructuous, I do not think it proper to keep pending this petition. Accordingly this petition is disposed of as infructuous. Rule discharged. I make no order as to costs.

Dt: 20-4-2000

( P.K. Sarkar, J )

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